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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-222988.2

DATE: June 19, 1986

MATTER OF: Transamerica Delaval, Inc.--Request for
Reconsideration

DIGEST:

Where the protester in a reconsideration request fails to explain a statement made in its initial protest that formed the basis of a decision to dismiss the protest as untimely, but rather merely presents inconsistent information that is not supported by the record, the initial decision will be affirmed.

Transamerica Delaval, Inc. requests reconsideration of our May 1, 1986 dismissal of a protest in which it challenged the award of a contract under request for quotations (RFQ) ZPE85297000825, issued by the Defense Electronics Supply Center, a field activity of the Defense Logistics Agency. We found the protest untimely under our Bid Protest Regulations, 4 C.F.R. § 21.2(2) (1986), because Transamerica had failed to protest within 10 working days of the date it asserted it had knowledge of the award to C. Crown Hamill.

We affirm our prior decision.

In its request for reconsideration, Transamerica states that it was first notified of the award on April 21. Transamerica therefore concludes that its protest, which our Office received on May 1, was timely.

In its initial protest to us, however, Transamerica had stated that agency officials apprised it of the award on March 31. Transamerica made a similar statement in a protest dated April 25 that it filed directly with the contracting officer. Transamerica encloses copies of both of these protests in its reconsideration request, but provides no explanation as to the inconsistency concerning when it first learned of the award.

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The contracting activity orally advises us that it awarded the protested contract on December 16, 1985 under small purchase procedures. The agency states that when it employs these procedures, it does not provide written notification of the award to each unsuccessful offeror. The agency adds that although Transamerica submitted a quote on December 4, it did not inquire as to the status of this procurement until March 31, at which time it was advised of the award.

Our dismissal of Transamerica's protest was based on the statement in Transamerica's own submission that it learned of the award on March 31. Although it now asserts that it did not learn of the award until April 21, as indicated above, it offers no explanation as to why it stated, in separate letters to this Office and to the contracting agency, that it knew of the award on March 31. Under these circumstances, we can only conclude that Transamerica has not shown our original dismissal to have been erroneous. Accordingly, pursuant to 4 C.F.R. § 21.12, the dismissal is affirmed.

for Seymour E. Egan
Harry R. Van Cleve
General Counsel